

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Con.Case(C).No. 582 of 2007(S)

ORDER IN WPC.6068/2007 Dated 22/02/2007

PETITIONERS/PETITIONERS IN THE WPC

1. GOPALAKRISHNAN P., S/O. LATE
LAKSHMANAN, AGED 45 YEARS, ANJALI, PEROOR,
THATTARKONAM P.O., KOLLAM DISTRICT.
2. DR. NATARAJAN P., S/O. LATE LAKSHMANAN,
AGED 48 YEARS, AKHIL NIVAS, MANANTHAVADI,
WAYANAD DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: RESPONDENTS 2 TO 5 IN THE WPC

1. SRI. CHITHARANJAN, (S/O. NOT KNOWN,
AGE NOT KNOWN), CHAIRMAN, ALAPPUZHA MUNICIPAL
COUNCIL, ALAPPUZHA.
2. SRI. SURESH, (S/O. NOT KNOWN, AGE NOT
KNOWN), SECRETARY, ALAPPUZHA MUNICIPALITY,
ALAPPUZHA.
3. SRI. KRISHNA MOHAN, S/O. LATE
LAKSHMANAN, AGED 40 YEARS, VADAKKEMADAM,
MULLAKKAL P.O., ALAPPUZHA.
4. SRI. GEEVANDAN, (S/O. NOT KNOWN, AGE
NOT KNOWN), CIRCLE INSPECTOR OF POLICE,
ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA.

R3 BY ADV. SMT.C.G.BINDU
SMT.C.G.AJITHA

R1 & R2 BY ADV.SRI.M.K.CHANDRAMOHAN DAS, SC.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

.....
CONT. CASE (C) No.582 OF 2007
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DATED THIS THE 25th JULY, 2007

J U D G M E N T

Heard Sri.B.Mohanlal, counsel for the petitioners, Sri.M.K.Chandramohan Das, Standing Counsel for the Alappuzha Municipality and Smt.C.G.Bindu, counsel for the party-respondent.

2. It is conceded before me that Annexure-III order was modified by this Court as an order restraining the petitioners herein from evicting the party-respondent from the premises in question other than through due process of law. It is also conceded that the Munsiff's Court, Alappuzha has passed an order of injunction in O.S.No.892 of 2006 restraining the Municipality from evicting the party-respondent until further orders. In view of the conceded position that the Municipality has been restrained by a competent civil court and that this Court itself has modified Annexure-III order and that the said order has been appealed against and is now pending in Writ Appeal before this Court, according to me, this Court will not be justified in initiating action against the respondents for contempt at this stage.

The Contempt of Court Case is closed. It is however made clear

that it will be open to the petitioners to move this Court again on the basis of the judgment in the Writ Appeal and any order which may be subsequently passed by the competent civil court in modification of the injunction order presently passed.

(PIUS C.KURIAKOSE, JUDGE)

tgl

CONT. CASE (C)N0.582/07